

Message

From: Baca, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F4BB31FB6E94C0AA9756706CC1C888C-BACA, ANDREW]
Sent: 3/5/2021 3:07:54 AM
To: Chu, Rebecca [Chu.Rebecca@epa.gov]
Subject: FW: Pebble Project Permit Appeal Status

From: Opalski, Dan <Opalski.Dan@epa.gov>
Sent: Friday, February 26, 2021 4:59 PM
To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>; Li, Beverly <Li.Beverly@epa.gov>
Subject: Pebble Project Permit Appeal Status

Michelle –

You may have heard through other channels, but for your awareness, I heard from the Alaska District of the Army Corps today that the Pacific Ocean Division has 1) officially accepted the Pebble Partnership's appeal of the District's 404 permit denial and 2) declined the state's appeal. Neither of these decisions is surprising based on our understanding of the process. The decision on the state's appeal was based on lack of standing. The substantive issues/claims in the two appeals were substantially equivalent, so the acceptance of the Partnership's appeal means that the substance of the state's claims effectively still will be evaluated. The Division (out of Hawaii) has selected a review officer who will now receive the full administrative record from the District to review in considering the appeal. The expectation is that the review officer may take from several months to potentially more than a year to complete the review. My understanding is that the evaluation of the appeal is a process completely internal to the Corps, after which a decision on the appeal will be rendered by the Division Commander based upon the findings/recommendations of the review officer.

Dan Opalski
Director
Water Division
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
206-553-1855
FAX: 206-553-1280

My pronouns are he and him.